

UNITED STATES DISTRICT COURT

for the
District of Oregon

FILED 09 APR 09 14:42 USDX-ORE

United States of America

v.

James Tracy Cuneo

Defendant

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Case No. 09-2032

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/07/2009 in the county of Lane in the _____ District of Oregon, the defendant violated 18 U. S. C. § 115(a)(1)(B), an offense described as follows:

threatening to assault and murder, United States Secret Service Special Agent Ronald Brown, a Federal law enforcement officer, with intent to impede, intimidate, or interfere with such law enforcement officer while engaged in the performance of official duties; or with intent to retaliate against such law enforcement officer on account of the performance of official duties.

This criminal complaint is based on these facts:

See attached affidavit of FPS Inspector Thomas Keedy

Continued on the attached sheet.


Complainant's signature

Thomas Keedy, FPS Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/9/09

City and state:

Eugene, Oregon


THOMAS M. COFFIN, U.S. MAGISTRATE JUDGE

Printed name and title

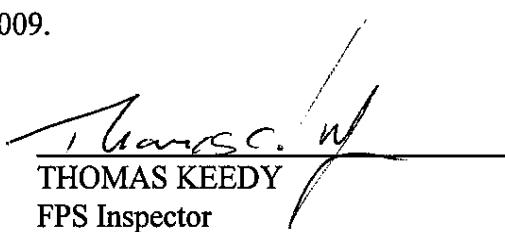
STATE OF OREGON)
)
COUNTY OF LANE)

I, Thomas C. Keedy, being duly sworn on oath, depose and say:

1. I am employed as an officer with the U.S. Department of Homeland Security, Federal Protective Service (FPS) and have been so employed since July 1996. I am assigned to the Eugene, Oregon Field Office where I hold the title of Inspector. The Eugene office supports FPS operations in central and southern Oregon. I am a graduate of the Federal Law Enforcement Training Center's Basic Corrections Academy, Basic Police Academy and Law Enforcement Manager's Course. I hold a Bachelor's Degree in Political Science from the University of California, Santa Barbara.
2. I have been an officer with the FPS for approximately thirteen years. Prior to FPS service I was an officer with the Federal Bureau of Prisons. As such, I have investigated or participated in numerous criminal investigations.
3. This affidavit is submitted in support of a criminal complaint and arrest warrant for JAMES TRACY CUNEO for a violation of Title 18, United States Code, Section 115(a)(1)(B) (threatening to assault and murder a Federal law enforcement officer with intent to impede, intimidate, or interfere with such law enforcement officer while engaged in the performance of official duties; or with intent to retaliate against such law enforcement officer on account of the performance of official duties). The facts and information in support of this request are contained in the attached affidavit of United States Secret Service Agent Ronald Brown, which is attached hereto and incorporated herein as if fully set forth.

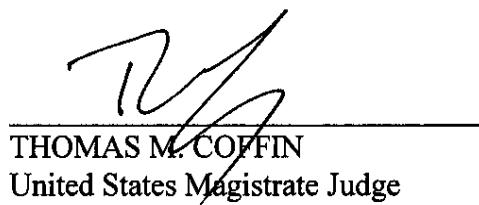
4. Based on the facts set forth in the attached affidavit, I have probable cause to believe and do believe that JAMES TRACY CUNEO threatened to assault and murder United States Secret Service Special Agent Ronald Brown, a Federal law enforcement officer, in violation of Title 18, United States Code, Section 115(a)(1)(B).
5. Assistant U.S. Attorney Jeffrey S. Sweet, informed me that he also believes probable cause exists for the arrest of JAMES TRACY CUNEO for a violation of Title 18, United States Code, Section 115(a)(1)(B).

DATED this 9 day of April 2009.



THOMAS KEEDY
FPS Inspector

Sworn to before me and subscribed in my presence this 9 day of April 2009



THOMAS M. COFFIN
United States Magistrate Judge

AFFIDAVIT FOR THE ISSUANCE OF ARREST WARRANT:

I, RONALD W. BROWN, after being duly sworn, hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent employed by the U.S. Secret Service (USSS) assigned to the Portland, OR Resident Office (RO), and have been so employed for over fifteen years. My training and experience includes: 3 $\frac{1}{2}$ years as an officer in the U.S. Marine Corps, 6 years as a field agent working investigations, 5 $\frac{1}{2}$ years on the Presidential Protection Division, and 3 $\frac{1}{2}$ years as an instructor for the Presidential Counter Assault Team (CAT).
2. As a Special Agent with the U.S. Secret Service I am authorized to investigate crimes involving federal offenses relating to the protection of the President of the United States. During the course of my employment with the U.S. Secret Service, I have conducted or participated in criminal investigations threats or special interest involving protectees of the U.S. Secret Service. I have also written and/or participated in the service of numerous federal and state search warrants.

3. This affidavit is being submitted in support of an application for the issuance of an arrest warrant for James Tracy Cuneo for the violation of 18 USC 115.

DETAILS OF INVESTIGATION

4. On or about 10/16/08, two (2) Springfield, OR Police Detectives and I attempted to interview subject James T. Cuneo, 783 Quinaut St., Springfield, OR. Cuneo had written threatening comments to some Google executives on his internet blog, <http://walkndude.wordpress.com>; he also had some special interest comments directed toward then President Bush. Former FBI agent Jeff Wilson had been hired by Google to investigate the threats. Wilson accompanied us to Cuneo's residence but remained in a vehicle and did not participate in the interview. Cuneo was extremely belligerent, refused to answer questions and became increasingly threatening towards myself and the other officers. We left the driveway of Cuneo's residence without further incident.

5. Cuneo continues to call the USSS Portland RO to threaten myself, other SAs and office personnel. Cuneo seems to think that we are aiding and abetting the "illegal US President" and that he and others need to arrest us for not doing our job. On or about

01/07/09, Cuneo called the Portland, Oregon RO office and in a conversation with me, threatened to "kick my fu__ing as_", hang me with a rope, and use a firing squad or an electric chair to kill me. Cuneo continues to claim that he is coming to Portland to arrest the personnel in the office and we won't see it coming.

6. I've been an agent with USSS for 15 years and have investigated many protective intelligence threats. This is the first time a subject has repeatedly threatened me and others on a regular basis. I believe that Cuneo's threats to me were made with the intent to impede, intimidate or interfere with the performance of my duties, or with the intent to retaliate against me for performing my duties.
7. Cuneo's criminal history includes several incidents of violence to include Aggravated Assault, Felony Weapon Possession, Battery, Domestic Battery, Drug charges and Soliciting Prostitutes.
8. I believe Cuneo represents a threat to me and others in the community.
9. On 04/07/09, James Tracy Cuneo was served with a Warning Letter from FPS advising him to "cease any further threatening communication by any means with officers or employees of the United States Government

and should you disregard this warning and again threaten a Federal official or agency, the FPS will file a report of violation with the U.S. Attorney's office for consideration of criminal prosecution".

10. On 04/08/09, at approximately 0815, James Tracy Cuneo telephonically contacted the Portland, Oregon Resident Office of the U.S. Secret Service and threatened to "shove the letter up your ass" when speaking to me.

11. Later on 04/08/09, James Tracy Cuneo again telephonically contacted the Portland, Oregon Resident Office and stated that if any Federal official came on his property again, it would not be fun. He also claimed that the Warning Letter was not a legal document and he could contact me anytime he wanted to.

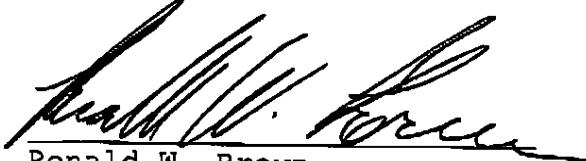
12. Based on the above information contained in this affidavit, there is probable cause to believe that James Tracy Cuneo is in violation of Title 18, United States Code, Section 115.

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13. This document was reviewed for legal accuracy by
Assistant United States Attorney Jeff Sweet on April
9, 2009.



Ronald W. Brown
Special Agent U.S. Secret Service

Subscribed and sworn before me on this 9th day of
April 2009.

